

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GLOVER, DONALD

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DAVID S. DESSEN, DESSEN, MOSES & ROSSOTTO,
600 Easton Rd., Willow Grove, PA 19090, 215-496-2902

DEFENDANTS

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 2000e

Brief description of cause:

Failure to offer accommodation based upon sincerely held religious belief

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/6/23

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONALD GLOVER
728 Frawley Road, Apt. 213
East Ridge, TN 37412,
Plaintiff

vs.

THE CHILDREN'S HOSPITAL
OF PHILADELPHIA
3401 Civic Center Boulevard
Philadelphia, PA 19104,
Defendant

No.

COMPLAINT

PARTIES

1. DONALD GLOVER (hereinafter referred to as "Glover") is an adult individual residing at 728 Frawley Road, Apt. 213, East Ridge, TN 37412.

2. THE CHILDREN'S HOSPITAL OF PHILADELPHIA (hereinafter referred to as "CHOP") is a nonprofit corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal address of 3401 Civic Center Boulevard, Philadelphia, PA 19104.

3. CHOP has more than 500 employees.

JURISDICTION AND VENUE

4. This action arises under the laws of the United States, specifically 42 U.S.C. §§ 2000e, *et seq.*

5. This Court has subject matter jurisdiction over Glover's claim for violation of 42 U.S.C §§ 2000e, *et seq.* pursuant to 28 U.S.C. § 1331 and § 1343 as a claim arising under the laws of the United States. This Court has subject matter

jurisdiction over Glover's state law claims for a violation of the Pennsylvania Human Relations Act pursuant to 28 U.S.C. § 1367.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events giving rise to this claim occurred in the Eastern District of Pennsylvania.

7. A trial by jury is demanded.

FACTS

8. Glover is 60 years old, having been born on April 13, 1962.

9. Glover was hired by CHOP on December 17, 2017 as a supervisor in the Biomedical Engineering Department.

10. While employed by CHOP, Glover participated in a 403(b) retirement plan.

11. Beginning one year after an employee was hired, CHOP contributed to the employee's retirement account 50% of the employee's contribution up to 6% of the employee's salary, which immediately vested in the employee.

12. After the Pfizer BioNTech and Moderna vaccines were granted Emergency Use Authorization by the FDA, Glover chose not to be vaccinated with a Covid-19 vaccine because of his sincerely held religious belief that it was wrong to inject the vaccine into his body.

13. Glover did not obtain the Covid-19 vaccine because he believes that the New Testament in verse 2 of chapter 6 of the Book of Revelations warned that the Covid-19 vaccine was toxic and should not enter the human body.

14. Glover further believes that all human beings are made in the image of God, and this idea affirms the unique value of all human life.

15. Based upon his understanding of the meaning of the Sixth Commandment in Exodus 20:13 that “You shall not murder,” Glover sincerely believes that abortion is gravely and morally wrong at every stage.

16. Furthermore, Glover believes that the New Testament teaches that: “Don’t you know that you yourselves are God’s temple and that God’s Spirit dwells in your midst?” (1 Corinthians 3:16) and “If anyone destroys God’s temple, God will destroy that person; for God’s temple is sacred, and you together are that temple” (1 Corinthians 3:17).

17. Based on these teachings from the Bible, Glover sincerely believes that because fetal cells from aborted embryos were used in early stages of vaccine testing, it is immoral to put the Covid-19 vaccine in his body.

18. On August 3, 2021, via a document titled “A Message From the CEO” (hereinafter referred to as the “CEO Message”), CHOP announced that all employees had to be fully vaccinated against Covid-19 by October 20, 2021. A copy of the CEO Message is attached hereto as Exhibit “A.”

19. CHOP recognized that like Glover, some of its other employees would also have sincerely held religious objections to being vaccinated.

20. Although the text of the CEO Message does not address religious exemptions to the Covid-19 vaccination mandate, the timeline at the bottom of the CEO Message advises that all requests for religious or medical exemptions were to be filed by September 15, 2021.

21. CHOP created a Religious Accommodation Request form, a copy of which is attached hereto as Exhibit “B,” for employees to use in requesting an exemption from the Covid-19 vaccination mandate.

22. On August 23, 2021, CHOP created a Standard Operating Procedure (hereinafter referred to as “SOP”) for the processing of requests for religious exemptions to the Covid-19 vaccination mandate. A copy of the SOP is attached hereto as Exhibit “C.”

23. On September 9, 2021, Glover submitted to CHOP the completed Religious Accommodation Request form attached hereto as Exhibit “D.”

24. By letter dated September 22, 2021, CHOP denied Glover’s request for a religious exemption from the Covid-19 vaccination mandate.

25. In its September 22, 2021 letter, a copy of which is attached hereto as Exhibit “E,” CHOP stated that Glover’s request was denied because the “information that was provided does not sufficiently demonstrate that the sincerely held religious belief prohibits vaccination.

26. During the thirteen (13) days between September 9, 2021 and September 22, 2021, CHOP made no effort to obtain additional information from or speak with Glover about his beliefs or his request.

27. Although the September 22, 2021 letter specified the date by which an appeal must be filed, it did not specify what additional information Glover needed to provide to sufficiently demonstrate that his sincerely held religious belief prohibits vaccination.

28. Glover submitted a timely appeal to CHOP of the September 22, 2022

decision to deny his request for a religious exemption to the Covid-19 vaccination mandate. A copy of Glover's appeal is attached hereto as Exhibit "F."

29. In his appeal, Glover supplemented and added to the reasons set forth in his original request by explaining that he sincerely believes that abortion is gravely and morally wrong and based upon the teaching in the New Testament, Glover sincerely believes that because fetal cells from aborted embryos were used in early stages of vaccine testing, it is immoral to put the Covid-19 vaccine in his body.

30. In addition to setting forth the basis of his sincerely held religious belief, Glover noted that he believed CHOP was discriminating against him on the basis of his religion and such discrimination placed in jeopardy the rights guaranteed to all Americans by the *Fourteenth Amendment* to the United States Constitution.

31. Finally, Glover noted in his appeal that there are medications other than the Covid-19 vaccine available to treat Covid-19 and expresses his opinion that there may be some sinister conspiracy to keep this information private.

32. As before, during the approximately two (2) weeks between the time Glover submitted his appeal and October 11, 2021, CHOP made no effort to obtain additional information or speak with Glover about his beliefs.

33. By letter dated October 11, 2021, a copy of which is attached hereto as Exhibit "G," CHOP denied Glover's Appeal.

34. The decision denying Glover's appeal does not address the basis for Glover's sincerely held religious belief set forth in his original request for a religious exemption or the additional basis set forth in his appeal.

35. Rather, the decision focuses on Glover's general comments about

constitutional rights and the suppression of information about other treatments for Covid-19.

36. CHOP terminated Glover's employment for violating the Covid-19 vaccination mandate on November 8, 2021.

37. At the time his employment was terminated, Glover was earning approximately \$107,000 per year.

38. Glover filed a charge of religious discrimination with the Nashville Area office of the Equal Employment Opportunity Commission on August 4, 2022.

39. The EEOC issued a Determination and Notice of Rights letter on November 30, 2022.

COUNT I – 42 U.S.C. § 2002e26(a)
Donald Glover v. The Children's Hospital of Philadelphia

40. Glover hereby incorporates paragraphs 1 through 39 as though fully set forth at length.

41. The August 3, 2021 CEO message could not be more clear that the decision makers at CHOP had concluded that in order to keep CHOP's young patients safe, every employee had to be fully vaccinated with one of the approved Covid-19 vaccines.

42. It is believed and therefore averred that after October 20, 2021, CHOP did not intend to employ any person who was not fully vaccinated.

43. To accomplish this goal, CHOP adopted a SOP that appears to provide for the fair adjudication of an employee's request for a religious exemption from the Covid-19 vaccination mandate but whose purpose is to conceal the reality that CHOP was not and never intended to fairly adjudicate any employee's request for a religious exemption.

44. A sincerely held religious belief includes moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

45. Religious beliefs are not personal beliefs that are essentially political, sociological, or philosophical.

46. Allegedly, in order to determine whether an employee had a sincerely held religious belief against Covid-19 vaccination, the Religious Accommodation Request form asked an employee:

- a. What is your reason for your request and what work modifications do you seek?
- b. Specify your sincerely held religious belief and how it conflicts with work requirements or activities.
- c. Is the request related to a product included in the vaccine? (Please provide any detail that you can share)

47. In the belief that CHOP intended to fairly adjudicate requests for religious exemptions from the vaccine mandate, on September 9, 2021, Glover submitted the CHOP authorized Religious Accommodation Request form.

48. The Religious Accommodation Request form intentionally does not specify the criteria to be used in determining whether an employee has demonstrated a sincerely held religious belief that prohibits vaccination.

49. The Religious Accommodation Request form intentionally does not specify the types of evidence an employee should provide to support his or her claim of a sincerely held religious belief that prohibits vaccination.

50. In furtherance of its scheme to deny all requests for religious exemptions to its Covid-19 vaccination mandate, CHOP denied Glover's request for an exemption because the "information that was provided allegedly did not sufficiently demonstrate that Glover's sincerely held religious belief prohibited vaccination."

51. It is believed and therefore averred that the Religious Accommodation Request form did not specify the criteria to be used or the types of evidence to be considered by CHOP in determining whether an employee had demonstrated a sincerely held religious belief that prevents vaccination so that CHOP could provide a general non-specific reason for denying the requested exemption from the Covid-19 vaccine mandate.

52. Glover, still believing that CHOP intended to fairly adjudicate his request for a religious exemption, but with no knowledge of what evidence CHOP would consider sufficient to establish a religious exemption, supplemented his request by disclosing his sincerely held religious belief that the use of the vaccine condoned the murder of aborted fetuses whose cells were used in the development of the Covid-19 vaccines.

53. In furtherance of its scheme to deny all requests for religious exemptions to the Covid-19 vaccination mandate, CHOP ignored the additional religious justification offered by Glover for a religious exemption to the Covid-19 vaccination mandate and instead cited Glover's observations about protecting his constitutional rights and publicizing the availability of other medicines to treat Covid-19 as reasons to deny his request for a religious exemption to the Covid-19 vaccination mandate.

54. Having completed the sham process it created and knowing that Glover had a sincerely held religious belief that prohibited him from complying with the Covid-

19 vaccination mandate, CHOP terminated his employment and thereby violated 42 U.S.C. § 2000e(j).

55. CHOP's scheme led Glover to believe that it would fairly adjudicate his request for an exemption from the Covid-19 vaccination mandate based upon his sincerely held religious belief that prohibited vaccination, when in fact CHOP had decided to terminate any employee who refused to be vaccinated, is so willful, wanton, oppressive and outrageous as to justify the imposition of punitive damages.

56. As a direct and proximate result of CHOP's intentional violation of § 2000e(j), Glover was unemployed from November 8, 2021 through December 6, 2021.

57. On December 7, 2012, Glover obtained employment with the Children's Hospital at Erlanger (hereinafter referred to as "CHE"), located at 910 Blackford Street, Chattanooga, Tennessee as a biomedical technician III earning approximately \$66,000 per year.

58. While employed by CHE, Glover is eligible to participate in a 403(b) retirement plan.

59. Beginning one year after an employee is hired, CHE will contribute to the employee's retirement account 50% of the employee's contribution up to 4% of the employee's salary. CHE's contribution to the employee's retirement plan vests after 3 years of employment at CHE.

60. Glover incurred expenses of approximately \$8,000 in moving from Philadelphia to Chattanooga, Tennessee.

61. As a direct and proximate result of CHOP's violation of § 2000e(j) , Glover has suffered emotional distress and upset from being terminated from job he held

for approximately four (4) years and being forced to leave his home in Philadelphia and move to Chattanooga, Tennessee.

WHEREFORE, Donald Glover prays for judgment in his favor and against The Children's Hospital of Philadelphia as follows:

- a. Lost wages from November 8, 2021 through December 6, 2021;
- b. The difference between Glover's salary while employed at CHOP and while employed at CHE through Glover's seventieth (70th) birthday on April 13, 2032;
- c. The difference between CHOP's expected contribution and CHE's contribution to Glover's 403(b) retirement plan;
- d. The expenses Glover incurred in moving from Philadelphia, Pennsylvania to Chattanooga, Tennessee;
- e. The emotional distress and upset cause by CHOP's intentional violation of 42 U.S.C. § 2000e(j);
- f. Punitive Damages;
- g. Attorney's fees and costs and
- h. Such other relief that the Court deems just and proper.

COUNT II – 43 Pa.C.S. § 955
Donald Glover v. The Children's Hospital of Philadelphia

62. Glover hereby incorporates paragraphs 1 through 61 as though fully set forth at length.

63. By ignoring and disregarding the evidence submitted by Glover as set forth above that established Glover's sincerely held religious belief that prohibited

vaccination and justified a religious exemption to the Covid-19 vaccination mandate, CHOP intentionally violated 43 Pa.C.S. § 955.

WHEREFORE, Donald Glover prays for judgment in his favor and against The Children's Hospital of Philadelphia as follows:

- a. Lost wages from November 8, 2021 through December 6, 2021;
- b. The difference between Glover's salary while employed at CHOP and while employed at CHE through Glover's seventieth (70th) birthday on April 13, 2032;
- c. The difference between CHOP's expected contribution and CHE's contribution to Glover's 403(b) retirement plan;
- d. The expenses Glover incurred in moving from Philadelphia, Pennsylvania to Chattanooga, Tennessee;
- e. The emotional distress and upset cause by CHOP's intentional violation of 42 U.S.C. § 2000e(j);
- f. Attorney's fees and costs and

g. Such other relief that the Court deems just and proper.

DESSEN, MOSES & ROSSITTO

By 
DAVID S. DESSEN, ESQUIRE
PA ID. 17627
Attorney for Plaintiff

600 Easton Road
Willow Grove, PA 19090
(215) 658-1400
ddessen@dms-lawyer.com

EXHIBIT “A”



A MESSAGE FROM THE CEO

Madeline Bell

August 3, 2021

We Must Act Now: Important Update on COVID-19 Vaccine Mandate

As I wrote in yesterday's [CEO message](#), safety is a top priority at CHOP. It's extremely important that we work together to keep our patients, families and each other safe. This is especially critical now, as we face a new challenge in the COVID-19 pandemic.

The rapid spread of the Delta variant, which new research has shown is much more transmissible and contagious than previous strains of COVID-19, requires that we take urgent action to protect you and our community.

Accelerated Timeline for COVID-19 Vaccine Mandate

We have been regularly communicating updates to you and listening to your concerns throughout the pandemic. We held various listening sessions to address concerns around the speed at which the vaccines were developed, the impact on fertility, getting COVID after vaccination and more. We also previously indicated that our preferred timing to mandate the COVID-19 vaccine was following full FDA approval. However, given uncertainty regarding this date, the current environment dictates that we move forward **immediately**. This mandate applies to all our workforce members who work onsite at a CHOP location, regardless of role or amount of time spent onsite. This also includes our home care professionals who are interacting with patients and families offsite.

This decision, like all the other decisions we have made in response to the pandemic, is based on the most current information and data, including:

- Majority of CHOP patients (>70%) are not yet eligible for vaccine
- Internal data shows that the majority of past exposures at CHOP were employee to employee when community prevalence was high
- Vast majority of COVID infections, and nearly all cases of severe disease and hospitalization in the community, are in unvaccinated persons
- Strong safety and efficacy data of available COVID vaccines
- Uncertainty in the date of full FDA approval for vaccines due to administrative delays
- Concern for development of future, potentially even more contagious variants, if the virus continues to spread

Deadline for Completing COVID-19 Vaccine Series: October 20, 2021

If you have not yet been vaccinated, you will be required to be **fully vaccinated** by **October 20**. Fully vaccinated means that you have received one dose of the Johnson and Johnson vaccine or two doses of the Pfizer or Moderna vaccines. If you have already received the first dose of the Pfizer or Moderna vaccines, you must complete the second dose by October 20 to be considered fully vaccinated. Please see the timeline below for more information on deadlines.

Vaccine supply is plentiful so it may be more convenient to get vaccinated in your community at a location near you. The COVID Vaccine Workgroup has been offering clinics since December. They will provide detailed information about how you can register for an upcoming clinic if you'd prefer an appointment at CHOP. We are working hard to make it as easy as possible for you to receive the full vaccine series by the October 20 deadline. This is critical to continue working with CHOP. [Click here](#) for more information and resources on the vaccine mandate.

I know that we are all weary of the pandemic, and that this has been a long and very difficult road, especially for our location-critical staff. But I know that our CHOP team understands the critical moment we are in now. Right now, getting vaccinated is the most important thing we can do to protect our patients, families and each other – and we must do it quickly.

Thank you for joining me in our focus on patient and staff safety. With gratitude for all that you do for CHOP.

Madeline

COVID-19 Mandatory Vaccine Timeline

| | |
|--------------------|---|
| August 3, 2021 | CHOP mandates COVID 19 vaccinations |
| September 8, 2021 | CHOP employee vaccine clinics begin in Colket Building |
| September 15, 2021 | Deadline to request medical or religious exemption |
| September 22, 2021 | Final day for unvaccinated to receive Dose 1 of the Moderna vaccine |
| September 29, 2021 | Final day for unvaccinated to receive Dose 1 of the Pfizer vaccine |
| October 20, 2021 | Deadline to have completed vaccine series (Dose 2 of the Pfizer or Moderna vaccines or Dose 1 of the Johnson & Johnson vaccine) |

Stay Connected



Listen to my podcast, [Breaking Through](#).



Connect with me on [LinkedIn](#). (If you are asked to enter my email address, please use bellm@email.chop.edu.)



Follow me on [Instagram](#).



Read past [CEO Messages](#).

EXHIBIT “B”

Request for Religious Accommodation

At Children's Hospital of Philadelphia, our first priority is the health and safety of our patients.

The organization also recognizes that employees may have sincerely held religious beliefs that conflict with requirements or work activities. Once the employee has completed and submitted the request form, the following process will occur:

1. Determination of whether the employee has a sincerely held religious belief that conflicts with the work requirement or activity. (example vaccine)
2. If the answer to the above is yes, identification of potential accommodations that may allow Children's Hospital of Philadelphia to accommodate the employee's request.
3. CHOP will inform the employee what, if any, accommodations it will provide.

When seeking religious accommodations, employees should keep in mind:

- Accommodations can only be implemented from the time of the request forward and are not retroactive.
- Accommodations that pose an undue hardship on CHOP will not be granted.
- Submitting a request for accommodation does not automatically mean it will be approved.
- Accommodations will be revisited consistent with business needs (including patient care needs) to determine whether they continue to be reasonable and that they do not pose an undue hardship on CHOP.
- Employees may request a representative (delegate if 1199c/ HR Business Partner) to be present for any related meetings or appeals in the process.



Name: _____ Department: _____

Position: _____

Employee ID: _____

Email: _____

REQUEST for RELIGIOUS EXEMPTION – must be submitted by 09/15/21

Please accept this request for consideration of a religious exemption from mandatory vaccine requirements. I am requesting exemption consideration for (check all that apply):

- ☐ COVID-19 vaccine
- ☐ Influenza vaccine
- ☐ MMR (measles, mumps, rubella) vaccine
- ☐ TDAP (tetanus, diphtheria, pertussis) vaccine
- ☐ Varicella (chicken pox) vaccine

Did you apply previously for a religious exemption to any of these vaccines? If so, which one(s)?

- ☐ Yes ☐ No

I understand that in order for my request to be considered, I am accountable for the following:

- Complete all applicable surveys in [MyOccHealth account](#).
- Complete the Religious Accommodation Form below **and save the document**.
- Create a ticket in the HR Service Center and attached the completed Religious Accommodation form and any supporting documentation by **no later than September 15th, 2021**
- Requests will be reviewed routinely and requesters may be informed ahead of the due date depending on submission date all will be notified no later than September 22, 2021.

Requests for religious exemption consideration received without completed surveys and/or supporting documentation cannot be considered. A CHOP interdisciplinary panel will review all religious exemption requests. Requestors will be notified of any additional fact-gathering activities.

All requests and required forms must be uploaded in the HR Service Center along with any supporting documentation, no later than September 15, 2021. Should a submission miss the September 15, 2021 deadline it will result in a delayed decision. If a request is denied and you did not comply with applicable vaccination mandate deadlines, you will be subject to disciplinary action in accordance with the HR Policy 5-2, Rules of Conduct.

Religious/ Reasonable Accommodation Request Information:

What is your reason for your request and what work modifications do you seek?

Specify your sincerely held religious belief and how it conflicts with work requirements or activities.

Is the request related to a product included in the vaccine? (Please provide any detail that you can share)

What is your suggested accommodation or alternative accommodation options that you are requesting?

If you feel it would be helpful, you may attach any relevant documentation for review.

I confirm that my religious belief is sincerely held and conflicts with the work requirement as explained above. I understand that the accommodation I requested may not be granted should the organization determine that it creates an undue hardship on the organization.

Signature: _____ Date: _____

This document can be printed and signed or an electronic signature will be acceptable.

Next Steps:

1. [Save](#)
2. [Create Service Center Request](#)
3. Click Add Attachment (bottom right corner) and submit your completed form
4. Notifications of decisions will be communicated no later than September 22, 2021

**Children's Hospital
of Philadelphia**

3401 Civic Center Blvd. • Philadelphia, PA 19104 • 215-590-1000 • chop.edu



EXHIBIT “C”



SOP: Requests for Vaccine Related Religious Accommodations

| | |
|-----------------------------|--|
| SOP Number: | |
| SOP Type: | Operational |
| Description: | Processed to be followed for processing Religious Accommodations |
| Date | 8/23/21 |
| Enterprise Keywords: | Processed to be followed for processing Religious Accommodations |
| Department: | Human Resources |

1 Purpose

The purpose of this procedure is to layout the required process for requesting religious accommodations through the determination of approval or denial and appeal

2 Definition

| Term | Definition |
|----------------------------|--|
| Religious Beliefs | include theistic beliefs (i.e. those that include a belief in God) as well as non-theistic moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views. In most cases, whether or not a practice or belief is religious is not an issue. However, generally, religion typically concerns "ultimate ideas" about "life, purpose and death," (EEOC, DOL) |
| Religious Accommodation: | any adjustment to the work environment that will allow an employee or applicant to practice his or her religion. If it would not pose an undue hardship, the employer must grant the accommodation. |
| Ultimate Beliefs or Ideas: | An intuitive truth, concerning ultimate ideas: life, purpose and death |

3 Procedure

| Required Action Steps | Performed By | Supplemental Guidance |
|--|-----------------------|------------------------------|
| _1. Submit request for Religious Accommodation to Human Resources by the deadline for such requests as determined annually and communicated on Occupational Health's site. | Employee | |
| _2. Confirm receipt of request to employee and inform the employee when they will be | HR Coordinator | |



HR SOP: Requests for Vaccine Related Religious Accommodations

| Required Action Steps | Performed By | Supplemental Guidance |
|--|--|---|
| notified by the organization of decision | | |
| _3. Identifies Panel Members | HR Business Partner | |
| _4. Schedules Panel to review all religious accommodation requests | HR Coordinator | <ul style="list-style-type: none"> Panel will include: Spiritual Care, HR and Infection Control with advisement from legal Similar requests do not require panel review if same determination would be applied |
| _5. Review the requests and determines if criteria is met for accommodations | Panel | <p>Does the request demonstrate that the employee holds a belief that is tied to "ultimate ideas" about "life, purpose, and death. (regardless if it is tied to a formal practice, religious group)</p> <p>Note: Social, political, or economic philosophies, as well as mere personal preferences, are not "religious" beliefs protected by Title VII.</p> <p>If the determination is that this does meet the definition of a religious accommodation, a decision of how the accommodation will be managed will be decided with the support of legal, hr and infection control.</p> |
| _6. Communicate in writing the decision of the request to the employee | HR Coordinator or HR BP through Service Now | |
| _7. Employee may request an appeal within 3 days of the decision, in writing expressing the reason for the appeal and indicated additional information | Employee | Sent to HR |



HR SOP: Requests for Vaccine Related Religious Accommodations

| Required Action Steps | Performed By | Supplemental Guidance |
|--|---|---|
| _8. Review appeals within 3 days and approve or escalate to outside legal for final review | HR Leader | |
| _9. Reviews appeals and makes determination | Outside Legal | |
| _10. Communicates final decisions and all related accommodation requirements | HR Business Partner/ Coordinator | The decision on religious appeal has been made, please review the attachment in the case file. If you were denied and wish to appeal, please use the comment section and provide additional information to support a different determination. If you are approved, please review the required accommodations to ensure you are aware of your responsibilities. Thank you |

EXHIBIT “D”

Requester: Donald Glover

Who is this request for?: Donald Glover

Employee ID: [REDACTED]

Position: Biomedical Tech Supervisor

Department: Biomedical Engineering

Email: gloverd@chop.edu

Supervisor: Kimberly Burress

COVID-19 vaccine: true

Influenza vaccine: false

MMR (measles, mumps, rubella) vaccine: false

TDAP (tetanus, diphtheria, pertussis) vaccine: false

Varicella (chicken pox) vaccine: false

Did you apply previously for a religious exemption to any of these vaccines?: No

COVID-19 vaccine: false

Influenza vaccine: false

MMR (measles, mumps, rubella) vaccine: false

TDAP (tetanus, diphtheria, pertussis) vaccine: false

Varicella (chicken pox) vaccine: false

What is your reason for your request and what work modifications do you seek?: religious reasons. No accommodations requested.

Specify your sincerely held religious belief and how it conflicts with work requirements or activities.: It is my sincere religious that the whole world has entered a PROPHETIC TIMELINE based on the book of REVELATIONS 6th chapter and the 2nd verse, of the HOLY Bible, Which states "And I looked and behold, A white horse. He who sat on it had a BOW; and a CROWN was given to him, and he went out conquering and to conquer. The BOW is the vaccine and BOW translates to POISON in the GREEK. And CROWN is another word for CORONA as in CORONA VIRUS. Hence, I believe the vaccine to be TOXIC.

Is the request related to a product included in the vaccine? (Please provide any detail that you can share): No.

What is your suggested accommodation or alternative accommodation options that you are requesting?: none.

Does the religious belief identified above prevent you from receiving other vaccines or just the COVID-19 vaccines?: Only the COVID-19 Vaccines

Please explain why. (For example, if there is something about the way that the currently-approved COVID-19 vaccines are manufactured that prevents you from receiving it, please identify what that is.): Vaccine was made at WARP speed, Vaccine is an experiment and risk benefit ratio is not favorable.

Does the religious belief that prevents you from receiving a vaccination derive from a recognized religion?: Yes

Please provide the name of the religion:: Christianity

Please indicate when you first began to practice this religion:: 20 years ago.

Do you belong to an organization or group affiliated with this religion (e.g., church, mosque, synagogue, other group, etc.)?: Yes

Please indicate you first affiliated with this organization or group:: December 2020

Organization/Group Name:: Church International

Address:: 430 Thomas St., Warrior, AL 35180 (original value: 8500 Lindbergh Blvd; Apt 2215)

Phone Number:: 205 647 0332

Website:: Contact@Churchint.org

I confirm that my religious belief is sincerely held and conflicts with the work requirement as explained above. I understand that the accommodation I requested may not be granted should the organization determine that it creates an undue hardship on the organization. Falsification of exemption requests -- by commission or omission -- will be subject to disciplinary action up to and including termination of employment.: true

Signature: Donald Glover

Date: 09-09-2021

EXHIBIT “E”

Donald Glover

September 22, 2021

Dear Donald,

We have evaluated your request for an exemption from the annual vaccine requirements for religious reasons. After careful review, we have determined that your request is denied. The reason for the denial is information that was provided does not sufficiently demonstrate that the sincerely held religious belief prohibits vaccination.

Additional supporting information can be found here <https://www.chop.edu/centers-programs/vaccine-education-center>.

Please plan to be fully vaccinated by October 20, 2021 and provide proof of vaccination to occupational health. <https://chop.readyssetsecure.com/rs/#/myhealth/welcome>

You may appeal this determination by submitting a written notice of appeal in this service center ticket. Please state the basis for your appeal. In support of your appeal, you may include additional information you have not already shared and upload any supporting documentation that you did not previously provide. **Appeals will be considered if submitted within 3 calendar days of the date of this letter (by September 25th 11:59pm).**

We understand that these are stressful times, and we have resources at CHOP to help support you. The CHOP Supportline is available 24 hours a day, 7 days a week for both you and your family members. Information on Supportline and other wellness resources can be found here. Alternatively, you can also call Supportline at 1-800-749-6327.

Thank you for allowing Children's Hospital of Philadelphia to evaluate your request.

Vaccine Panel 2021

EXHIBIT “F”

Appeal for religious exemption

I hereby assert my right to a religious exemption from vaccination. I am a Christian who believes in the Bible, including the teachings in the New Testament.

I am objecting to the COVID-19 vaccines because I believe in and follow God and the principles laid out in his Words and I have a deeply held belief that vaccines violate them.

I sincerely believe that all human beings are made in the image of God, and this idea affirms the unique value of all human life. The sixth commandment says "You shall not murder" (Exodus 20:13), I believe that abortion is gravely wrong at every stage. Furthermore, I believe a physical body is given to each of us in our quest to fulfill our destiny and purpose here on earth. Specifically the New Testament teaches that: "Don't you know that you yourselves are Gods temple and that God's Spirit dwells in your midst?" (1 Corinthians 3:16) "If anyone destroys Gods temple, God will destroy that person; for Gods temple is sacred, and you together are that temple" (1 Corinthians 3:17).

The Pfizer and Moderna COVID-19 vaccines in early development of mRNA vaccine technology used fetal cells for "proof of concept" (to demonstrate how a cell could take up mRNA and produce the SARS-COV-2 Spike protein) or to Characterize the SARS-Cov-2 spike protein. The non replicating viral vector vaccine produced by Johnson& Johnson required the use of fetal cell cultures, Specifically PER.CG, in order to produce and manufacture the vaccine.

This mechanism for altering my God given body is the equivalent of a prohibited "unclean food" that causes harm to my conscience. Covid-19 vaccines to me are unclean. I believe in and follow God and the principles laid out in his Words and I have a deeply held belief that these vaccines violate them.

I make this request for the glory to God and consistent with my faith.

Appeal..

Just as important if not more, are my Constitutional rights as an American citizen, which affords me equal protection under the law according to the 14th Amendment. As important to me as my religious rights are, there will be no religious freedom if my constitutional rights are violated, which in this situation is the case. I'm being discriminated against because I refuse to take an experimental vaccine.

The refusal to make public, known and well documented treatments, that are extremely effective against COVID-19 suggest that something else sinister is going on.

Additional facts why this dangerous vaccine is not needed:

Even as early as March 2020, there were medications to prevent and treat Covid-19. The NIH discovered that hydroxychloroquine (HCQ) was effective against SARS (a coronavirus very similar to Covid-19) in 2005.[3] In March 2020, Prof. Didier Raoult, in France, was already using hydroxychloroquine to successfully treat Covid patients.[4],[5],[6]

HCQ was being used successfully by doctors in many countries as a late March 2020, survey of doctors in 30 countries shows.[7] At the same time, America's Front Line Doctors,[8] and others[9],[10] began speaking out about what they were seeing and how they were treating patients. One doctor even found that ventilation, though widely used, was the wrong approach and was killing patients instead of saving them.[11]

There was no reason for patients to die of Covid-19, even in March 2020, since there were successful treatments available. Today, there are more prophylaxis and treatment protocols that doctors are using to successfully preserve or recover their patients' health and keep them out of the hospital.[12]

Encouraging, as well, are the CDC survival rates for Covid-19 patients. Survival rates by age range in the US as of September 30, 2020, were as follows: Ages 0-19: 99.997%, Ages 20-49: 99.98%, Ages 50-69: 99.5%, Ages 70+: 94.6%. The low fatality rates and successful treatment protocols mean that there should be no need for anyone to worry about dying from the coronavirus.

Never before have we ever thought that healthy children can kill Grandma and we don't need to now.

Sincerely, Donald Glover

EXHIBIT “G”

October 11, 2021

Re: Religious Exemption Appeal Decision – Donald Glover

Dear Donald Glover:

This letter responds to your appeal of The Children’s Hospital of Philadelphia’s (“CHOP”) decision to deny your request for a religious exemption to CHOP’s COVID-19 Vaccine Mandate (“Vaccine Mandate”). After reviewing the file in this matter, including any additional information and/or documents you may have provided with this appeal, and after applying the applicable law to the facts presented, I have determined that CHOP’s decision to deny your request is **UPHELD** and your request for a religious exemption to the Vaccine Mandate is **DENIED**.

X Denial of vaccine exemption upheld because:

- ☐ The evidence provided does not support your assertion that your belief is religious in nature.
- ☐ The evidence provided does not support your assertion that your religious belief is sincerely held.

X The evidence provided does not support your assertion that your religious belief precludes you from obtaining the COVID-19 vaccine. You have expressed that your constitutional right not to take a vaccine you view as experimental, is more important than a religious objection. And that the refusal to make public known and well-documented treatments, such as hydroxychloroquine (which has been disapproved as a treatment), “suggests something sinister is going on”. The vaccines were initially EUA, but much has been learned over the course of this epidemic, and the Pfizer-BioNTech is now fully authorized by the FDA.

- ☐ Your request is based upon a misunderstanding of or misinformation regarding the available COVID-19 vaccines.
- ☐ Other (identify other basis for upholding denial):

You are required to obtain the COVID-19 vaccine in order to continue employment at CHOP. Please follow CHOP’s guidance to ensure your vaccine compliance.

Sincerely,

Hon. Patricia McInerney (Ret.)
Neutral Adjudicator

#277138v1

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 278 Frawley Rd., Apt 213, East Ridge, TN 37412
Address of Defendant: 3401 Civic Center Boulevard, Philadelphia, PA 19104
Place of Accident, Incident or Transaction: 3401 Civic Center Boulevard, Philadelphia, PA 19104

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/06/2023  17627
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2. FELA |
| <input type="checkbox"/> | 3. Jones Act-Personal Injury |
| <input type="checkbox"/> | 4. Antitrust |
| <input type="checkbox"/> | 5. Patent |
| <input type="checkbox"/> | 6. Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7. Civil Rights |
| <input type="checkbox"/> | 8. Habeas Corpus |
| <input type="checkbox"/> | 9. Securities Act(s) Cases |
| <input type="checkbox"/> | 10. Social Security Review Cases |
| <input type="checkbox"/> | 11. All other Federal Question Cases |
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2. Airplane Personal Injury |
| <input type="checkbox"/> | 3. Assault, Defamation |
| <input type="checkbox"/> | 4. Marine Personal Injury |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability |
| <input type="checkbox"/> | 8. Products Liability - Asbestos |
| <input type="checkbox"/> | 9. All other Diversity Cases |
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, David S. Dessen, Esq., counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 02/06/2023  17627
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.